

Mediation of Proposed Development of 343-349 and 351 Summer Street, Somerville

Final Report

Overview of Project

A development project was proposed on the site of two land parcels – 343-349 and 351 Summer Street – in Davis Square in Somerville. The proposal consisted of two buildings on a single merged lot (though this definition is contested by some neighbors), including a four-story building with 31 residential units and underground parking on the 351 Summer Street site, and a two-story structure containing approximately 7,944 sq. ft. to be used for a new VFW Hall for the George F. Dilboy Post 529 on the 343-349 Summer Street site. Approval of the project requires a special permit with site plan review.

The proposal came after a decade of disagreement over a previous proposal on the 343-349 Summer Street parcel, which contains an emergency vent shaft for the MBTA Red Line, and which led to rezoning of that parcel from Central Business District (CBD) to Residential (RA). The tenor of communications among the key parties was inherited from that history of poor relations between the developers and several of the neighbors who had opposed that project, and had continued to deteriorate. With the help of the local Alderman, several neighborhood meetings had been held between the time the project was announced and the mediation. Those meetings raised many questions and comments from neighbors and abutters of the site, who expressed a range of concerns. While the project proposal changed over year prior to mediation, strong local opposition to the proposal remained. In addition, relationships among the key parties remained strained. The proposed development had not yet been heard by the Planning Board.

With this context, Mayor Curtatone of Somerville expressed a desire to explore the possibility for mediated discussion about the proposed project. The city engaged the Consensus Building Institute as an impartial party, to assess the potential for additional dialogue by holding confidential conversations with key stakeholders to learn about their thoughts and concerns. Ms. Smith conducted telephone and face-to-face discussions with representatives of the organized groupings of neighbors who have participated in previous meetings (including abutters on Hawthorne Street, neighbors on Summer Street, and the Winter Hill Bank); representatives of the city (including the mayor, the planning department, and the Alderman); and representatives of the development project (including the Strategic Capital Group and the VFW), over the period of October 18 – October 27th. Based on those conversations, CBI recommended that the City convene a mediation process for representatives of key stakeholders, mediated by a neutral facilitator, starting as soon as possible, and consisting of up to six weekly meetings of 2.5-3 hours each. Due to contracting challenges mid-way through the process, CBI agreed to facilitate the process on a pro bono basis.

Summary of the Mediation

The mediation began on Monday November 15 and continued weekly for 5 weeks, in addition to a joint site tour held the afternoon before the third meeting. Participants in the mediation included a representative of 3 concerned Hawthorne Street abutters; a representative of an organized group of concerned neighbors along Summer Street and its side streets; president of the Winter Hill Bank; the elected Commander of the VFW; the developer from the Strategic Capital Group, and; the Executive Director of the Mayor's Office of Strategic Planning & Community Development for the

City of Somerville. The process operating procedures and all meeting agendas and meeting summaries from this process have been made available to all parties and can be shared publicly.

The first and second meetings focused on introductions, refining of a shared set of operating procedures and ground rules, and identifying key issues for discussion. Among the most important issues identified by the parties were:

- Noise resulting from the location of a function hall/bar in an RA Zoned parcel
- Parking, traffic, and aesthetic impacts of the large-sized (four stories, 31 units) residential building being proposed
- Changes in the residential feel of the neighborhood due to:
 - The size and scope of the new building
 - An influx of so many new residential units
 - The potential for more transient populations if new units end up being rental apartments
- The location of a facility serving alcohol in a family neighborhood
- Safety issues, including:
 - Threats to pedestrians and children from limited site lines for entry and exit from underground parking lot
 - Potential illegal U-turn traffic out of the underground parking lot into the bank driveway
 - Safe egress access for users of the MBTA emergency shaft
 - Location and safety of fire lanes
- Increased threat of flooding from storm-water run-off given increased pavement
- The demand for increased transit-oriented housing in Davis Square and Somerville overall
- Financial viability of the project for the developer
- Maintaining the income the VFW received from leasing parking spaces, above-ground and not intermingled with parking for the residential building
- Improving the accessibility and aesthetics of a building for the VFW, including handicap access and facilities to attract young members
- Maintaining the continuity of operations of the VFW during any transitions, to keep members active and maintain income from rental

At the third meeting, the developer brought in 3 rough sketches of potential new designs for the project, each of which moved the VFW into the CBD parcel, but which did not necessarily preserve the number of units and above-ground and undivided parking desired by the developer and VFW, or conform to all zoning requirements. The group discussed the pros and cons of these three ideas, and offered suggestions for improving them. The group also took some time to present and discuss an explanation of the developer's economic constraints of the project, and to explore conflicting interpretations of the zoning ordinance. These conversations both resulted in a lack of agreement among the parties. At the end of the third meeting, parties agreed to continue to think about what they might be able to agree to that also met the core needs of the other parties.

The fourth and fifth meetings primarily focused on exploring and presenting alternative development ideas, along with a presentation by the city on the broader needs of regional residential development in Somerville. The group also took some time during the fourth meeting to discuss clarifications of ground rules and concerns that had been raised about the developer's history of

performance on previous projects. During the fourth meeting, the developer presented a new plan that moved most of the VFW building into the CBD Zone and made the residential building L-shaped so that it wrapped around the back of the VFW. This plan reduced tandem parking and shrank the façade of the building facing the street. The 4th floor was pulled back on the back of the building. He offered to make two of the building's 31 units would be commercial (not retail) units; however, with a provision that would allow these units to convert to residential if they could not be sold as commercial. Additional discussion ensued, with parties exploring changes and improvements to this proposal. The parties agreed to consider the new proposal with their constituents.

Through shuttle conversations before the fifth meeting, the developer suggested an alteration to the proposal, which pulled the 4th floor of the building back 27 feet from the front of the building, in response to a request by neighbors to reduce or eliminate the 4th floor. The neighbors replied with a counter-proposal that the developer eliminate the 4th floor entirely, reduce the number of units by 6, and keep the rest of the building the same size and shape. This proposal was contingent on further outreach to some Hawthorne street neighbors abutting the site who had not participated in the mediation or previous neighborhood meetings, and also approval by the other stakeholder representatives at the table. During the fifth meeting, the developer responded that he could not accept the counter-proposal, but offered to reduce the number of units to 28 residential and 2 commercial, and that the commercial units would stay commercial, and not revert to residential. The group discussed the proposal, and also discussed strategies for reducing the noise impacts of the VFW parking lot, now located behind the Hawthorne Street homes. The developer agreed to explore the most effective noise reduction options that would be allowed by the city, including one with a small overhang to best deflect noise. The discussions were paused to address an impending decision about whether to continue talking or to end the mediation process in time for the Licensing Commission hearing scheduled for that evening for relocation of the VFW liquor license. (This issue had been an area of disagreement since the beginning of the mediation.) Ultimately, the developer rescheduled the hearing date and continued discussions. The parties then adjourned to discuss the developer's latest option with their constituents.

Following this meeting, participants reached out to their constituents and other neighbors, and determined that they could not agree to the developer's final proposal, and restated their previous counter-proposal of a three-story building with 6 less units. The developer stated that he could not accept the neighbor's counter-proposal. Given the lack of new proposals that all parties might consider, CBI suggested an end to the mediation on December 17.

Since that time, through attorneys and one-on-one outreach from CBI, the developer offered one additional option of 31 units in a primarily 3-story building with a 1,000 square foot exercise room as a 4th floor, which he said would not be visible from Summer Street or Hawthorne Street. The neighbors did not accept this new proposal.